

DRAFT REGULATIONS

264 CMR 3.00: APPLICATION, EXAMINATION, AND REGISTRATION PROCEDURES

Section

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3.01 Application Procedures

(1) Application Filing. A person desiring to become a ~~state-licensed, state-certified residential or state-certified general real estate appraiser~~ Licensee shall file an application ~~on the in a format forms~~ prescribed by the Board. ~~The application shall be made under oath and shall be witnessed by a notary public.~~ The application shall be accompanied by a nonrefundable application fee and supporting documentation. Applicants must certify, under pains and penalties of perjury, that information provided in an application is truthful and accurate.

~~(2) Application Fee. The amount of the application fee shall be published on the application form and shall be submitted to the Board with completed application.~~

(~~3~~2) Application Form. The application form shall require the applicant to provide all or any portion of the following information:

- (a) a list of previous residences;
- (b) an employment history;
- (c) information pertaining to the applicant's character and reputation;
- (d) information pertaining to the applicant's real estate appraisal education;
- (e) information pertaining to the applicant's real estate appraisal experience;
and
- (f) such other information as the Board may require to determine the applicant's eligibility for licensure or certification

(~~4~~3) Supporting Documentation. Each applicant shall provide supporting documentation as required by the Board, including, but not limited to the following:

- (a) One (1) character endorsement in the form prescribed by the Board attesting to the applicant's good moral character and reputation.

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- (b) Complete explanations of any criminal complaint made against the applicant, any criminal convictions other than minor traffic violations, any civil actions related to the practice of real estate appraisal, and any disciplinary actions or denial of licensure/certification by any professional licensing agency.
 - (c) Verification that the applicant has met the education requirements set forth in 264 CMR ~~45.00: *Licensure/Certification Requirements*~~. It shall be the applicant's responsibility to submit documentation from the course provider that indicates:
 - 1. the applicant has successfully completed and passed an examination for the course; and
 - 2. the number of classroom hours awarded for completion of the course.
 - (d) Only Board-approved courses shall be acceptable to meet the education requirements.
 - (e) Appraisal reports and file data verifying that the applicant's real estate appraisal experience meets the Experience Criteria set forth in 264 CMR ~~5.00: *Licensure/Certification Requirements* 4.06~~.
- (5) Personal Appearance. The Board may require an applicant to appear before the Board or a subcommittee of the Board for an interview, or audit as set forth in 264 CMR ~~5.00: *Licensure/Certification Requirements* 4.06(6)~~.
- (6) Experience Review. Applicants who are required to provide appraisal reports and file data to the Board or appear before the Board for an audit of claimed experience, ~~pursuant to 264 CMR 3.01(4)(e), 3.01(5), and 5.06~~, may be determined ineligible for licensure or upgrade of their current license classification if the reports and files reviewed by the Board demonstrate a lack of competency in appraisal methodology or fail to comply with the requirements of ~~the USPAP, *Uniform Standards of Professional Appraisal Practice* (USPAP), 2005 edition~~.
- (7) Board Action. When an application is fully processed and ready for Board action, it shall be reviewed by the Board or a subcommittee to determine whether the applicant is eligible to sit for a licensing or certification examination. When the Board has made its decision, the applicant will be notified ~~thereof in writing~~. If an applicant fails to provide any ~~all~~ of the required or requested documentation necessary to complete the application, pay required fees, appear before the Board, or cooperate with an audit of claimed experience within six (6) months of the date the applicant is notified by the Board of such a requirement or request, such

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application shall be considered denied and a new application and application fee shall be required to be submitted for license qualification.

- (8) Appeal of Application Denial Based on Experience Review. Applicants whose applications are denied based on the Board's review of appraisal reports and file data may request reconsideration of their application. Reconsideration of a denied application must be requested within six (6) months of the date the application was originally denied by the Board. If after such request and reconsideration, the Board again denies the application, a new application and application fee shall be required to be submitted for license qualification.

3.02: Examination Procedures

(1) Examinations

- (a) The Board or its agents shall administer licensing and certification examinations. ~~All certification examinations shall have been approved by the Appraisal Qualification Board (AQB).~~

- (b) Jurisprudence Examination. The Board may require a jurisprudence examination.

- (2) Satisfaction of the Education and Experience Requirements Prerequisite to Examination. Only applicants who have been ~~notified~~ approved by the Board ~~in writing that they are eligible to sit for an examination~~ may register to take such examination.

- (3) Examination Scheduling - Passing Score Required Within Two Years of Application Approval Date. Board approval of an applicant to take an examination shall expire two (2) years from the date of such approval. Scheduling information shall be provided to each eligible candidate. Each candidate shall be responsible for scheduling himself/herself for the appropriate examination. A candidate may only schedule himself/herself for the examination that corresponds to the appraiser classification for which he/she is eligible. If a candidate fails to attain a passing score on the examination within two (2) years of the date the candidate was determined to be eligible to take such examination, the approval to take the examination shall expire and a new application, and application fee must be submitted by the applicant.

- ~~(4) Examination Fee. A fee shall be charged to take the examination~~

- ~~(5)~~ (4) Re-Examination. A candidate who fails to attain a passing score on an examination may take the examination again. There is no limit to the number of times an individual may take an examination. A separate fee shall be paid for each examination. It is the candidate's responsibility to schedule and reschedule all examination in a timely manner.

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~~(6) — Passage of an AQB-Approved Examination in Another Jurisdiction. Passage of an examination taken in another jurisdiction may be approved by the Board as meeting the examination requirement provided the examination has been approved by the AQB.~~

(7) Notification. Candidates shall be notified in writing of their examination results. Candidate receiving a passing score on the examination will receive instructions for obtaining a license or certificate.

3.03: Procedures for Receipt of Initial License or Certification

(1) Payment of License/Certificate Fee Required Within Two Years of Examination Date. Examination results are valid for a period of two (2) years from the date of successful completion of the examination and the license/certificate fee must be paid within that time. Successful candidates shall receive their license or certificate upon payment of the license/certificate fee. Neither a license nor certificate will be issued to any applicant who fails to make timely payment. Failure to make such payment will require the submission of a new application in accordance with 264 CMR 3.01 and 3.02.

(2) License/Certification Issuance. A license or certification card shall be issued to each applicant and shall include the individual's license/certificate number. An individual's license/certification and right to practice shall be deemed to commence upon payment of the prescribed fee and issuance of the card.

3.04: Federal Appraiser Registry

The Board shall provide a roster of all non-trainee Licensees ~~state licensed, state-certified residential, and state-certified general real estate appraisers~~ and the federal portion of each licensee's fees to the Federal Appraisal Subcommittee as required by Title XI.